

Minutes of the Maine Real Estate Commission

NOVEMBER 13, 2003

MEMBERS PRESENT

Sharon Millett
Earl Black
David Kitchen
Jeffrey Mitchell
Winfred Stevens

STAFF PRESENT

Carol J. Leighton, Director
Karen L. Bivins, Deputy Director
Judy Brown, Examiner
Robert Perkins, A.A.G.
Susan Greenlaw, Secretary

MEMBERS ABSENT

Glenna Nowell

Location: Central Conference Room

Start: 9:10 a.m.

Adjourn: 1:30 p.m.

Minutes – July 17, 2003

A motion was made by Earl Black and seconded by Jeffrey Mitchell to approve the minutes of the July 17, 2003 meeting as written. Unanimous.

Agenda Modifications

A motion was made by Jeffrey Mitchell and seconded by Earl Black to add the following to the agenda. Unanimous.

- Proposed Dismissals: #2001-007 and #2001-022
- Proposed Consent Agreement: #2001-005

Hearings

Director v. William P. Mouflouze: Mr. Mouflouze submitted a request for a continuance which was granted by the Chair of the Commission.

Director v. Francis E. Carter: The Chair opened the hearing in the matter of Director v. Francis E. Carter. The Director was present and presented the case. Assistant Attorney General Robert Perkins was present as counsel for the Commission. Mr. Carter was present and was represented by Attorney Charles Farris. Public deliberations were conducted at the close of the hearing.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to find Mr. Carter in violation of 32 M.R.S.A. §13067(1)(F) and §13197(1). Unanimous.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to order Mr. Carter to pay a fine in the amount of \$300 (\$100 for each missing credit). Black voted in the affirmative; Kitchen, Millett, Mitchell, and Stevens opposed. Motion failed.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to order Mr. Carter to pay a fine in the amount of \$600. Unanimous.

Earl Black left the meeting at 11:50 a.m.

Director v. Wayne E. Wilbur: The Chair opened the hearing in the matter of Director v. Wayne E. Wilbur. The Director was present and presented the case. Assistant Attorney General Robert Perkins was present as counsel for the Commission. Mr. Wilbur was present and was not represented by counsel. Public deliberations were conducted at the close of the hearing.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Mr. Wilbur in violation of 32 M.R.S.A. §13067(1)(F) and §13197(1). Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to order Mr. Wilbur to pay a fine in the amount of \$500 within 30 days and to require him to submit 15 hours of approved continuing education with his May 2005 license renewal. Kitchen, Millett, and Stevens voted in the affirmative; Mitchell opposed. Motion carried.

Consent Agreements

A motion was made by Jeffrey Mitchell and seconded by Earl Black to accept the proposed Consent Agreement in case number 2003-061. Kitchen recused and left the room. Black, Millett, Mitchell and Stevens voted in the affirmative. Motion carried.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2003-077. Black recused and left the room. Kitchen, Millett, Mitchell, and Stevens voted in the affirmative. Motion carried.

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the proposed Consent Agreements in case numbers 2003-050, 2003-052, 2003-074, 2003-087, 2003-090, 2003-091, 2003-094, 2003-103, 2003-108, 2003-115, 2003-121, and 2001-005. Unanimous.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to reject the proposed Consent Agreement in case number 2003-113. Black and Millett voted in the affirmative; Kitchen, Mitchell, and Stevens opposed. Motion failed.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2003-113. Kitchen, Mitchell, and Stevens voted in the affirmative; Black and Millett opposed. Motion carried.

Dismissed Complaints

A motion was made by Earl Black and seconded by Winfred Stevens to accept the proposed Dismissal in case number 2000-028. Mitchell recused and left the room. Black, Kitchen, Millett, and Stevens voted in the affirmative. Motion carried.

A motion was made by Earl Black and seconded by Winfred Stevens to accept the proposed Dismissals in case numbers 2000-037, 2000-085, 2000-091, 2000-093, 2000-094, 2000-100, 2000-102, 2000-103, 2000-105, 2001-002, 2001-004, 2001-010, 2001-024, 2002-004, 2002-093, 2002-135, 2002-150, 2003-001, 2003-029, 2003-030, 2003-032, 2003-036, 2003-038, 2003-043, 2003-046, 2003-055, 2003-067, 2003-070, 2003-071, 2003-072, 2003-078, 2003-088, 2003-099, 2003-128, 2001-007, and 2001-022. Unanimous.

Request for Advisory Ruling – Unsatisfactory Inspections - Discussion

Tabled to December 18, 2003 meeting.

Director's Report

ARELLO Eastern District Meeting – July 2003: Carol Leighton's reported on her attendance at the ARELLO Eastern District Meeting held in July in Portland, Oregon. A copy of her written report was distributed to Commission members.

Meeting Dates – 2004

See attached schedule.

Next Meeting Scheduled for December 18, 2003

The meeting was adjourned at 1:30 p.m.

This report respectfully submitted,

Sharon Millett
Chairperson

Carol J. Leighton
Director

2004 MEETING SCHEDULE

| DATE | TIME | LOCATION |
|--------------------|---------|-------------------------|
| January 15, 2004 | 9:00 AM | Central Conference Room |
| February 19, 2004 | 9:00 AM | Central Conference Room |
| March 18, 2004 | 9:00 AM | Central Conference Room |
| April 15, 2004 | 9:00 AM | Central Conference Room |
| May 20, 2004 | 9:00 AM | Central Conference Room |
| June 17, 2004 | 9:00 AM | Central Conference Room |
| July 15, 2004 | 9:00 AM | Central Conference Room |
| August 19, 2004 | 9:00 AM | Central Conference Room |
| September 16, 2004 | 9:00 AM | Central Conference Room |
| October 21, 2004 | 9:00 AM | Central Conference Room |
| November 18, 2004 | 9:00 AM | Central Conference Room |
| December 16, 2004 | 9:00 AM | Central Conference Room |